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4 UNITED STATES DISTRICT COURT  
5 WESTERN DISTRICT OF WASHINGTON  
6 AT SEATTLE

7 UNITED STATES OF AMERICA, )  
8 )  
9 Plaintiff, ) Case No. MJ09-381  
10 )  
11 v. )  
12 ) **DETENTION ORDER**  
13 BENNIE WILLIAM SMITH , )  
14 )  
15 Defendant. )  
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Offense charged:

Conspiracy to Distribute Oxycodone

Date of Detention Hearing: July 31, 2009.

The Court, having conducted a detention hearing pursuant to Title 18 U.S.C. § 3142(f), and based upon the factual findings and statement of reasons for detention hereafter set forth, finds that no condition or combination of conditions which the defendant can meet will reasonably assure the appearance of the defendant as required and the safety of any other person and the community.

FINDINGS OF FACT AND STATEMENT OF REASONS FOR DETENTION

Defendant is charged with a drug trafficking offense. The Government proffered that defendant was carrying a firearm in connection to this offense. Defendant has a history of drug abuse. Just before he was arrested, he was supposed to enter drug treatment in another state. Instead, he was arrested for the current offense. Defendant's current situation is unstable. He and

1 his wife have just separated and his wife has indicated she wants nothing to do with the defendant.  
2 Defendant also has also suffered from mental health problems and been prescribed medications for  
3 his condition.

4 It is therefore ORDERED:

5 (1) Defendant shall be detained pending trial and committed to the custody of the  
6 Attorney General for confinement in a correctional facility separate, to the extent practicable, from  
7 persons awaiting or serving sentences, or being held in custody pending appeal;

8 (2) Defendant shall be afforded reasonable opportunity for private consultation with  
9 counsel;

10 (3) On order of a court of the United States or on request of an attorney for the  
11 Government, the person in charge of the correctional facility in which Defendant is confined shall  
12 deliver the defendant to a United States Marshal for the purpose of an appearance in connection  
13 with a court proceeding; and

14 (4) The clerk shall direct copies of this order to counsel for the United States, to counsel  
15 for the defendant, to the United States Marshall, and to the United States Pretrial Services Officer.

16 DATED this 31<sup>st</sup> day of July, 2009.

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19 BRIAN A. TSUCHIDA  
20 United States Magistrate Judge  
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